

VOTE ON YOUNG NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Young nomination?

Mr. PETERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from California (Mrs. FEINSTEIN), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 80 Ex.]

YEAS—61

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Blunt	Hoeven	Sanders
Booker	Hyde-Smith	Schatz
Brown	Kaine	Schumer
Burr	Kelly	Shelby
Cantwell	Kennedy	Sinema
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Sullivan
Cassidy	Lujan	Tester
Collins	Manchin	Van Hollen
Coons	Markey	Warner
Cortez Masto	Menendez	Warnock
Cramer	Merkley	Warren
Durbin	Murkowski	Whitehouse
Gillibrand	Murphy	Wicker
Graham	Murray	Wyden
Grassley	Ossoff	
Hassan	Padilla	

NAYS—36

Barrasso	Hagerty	Risch
Blackburn	Hawley	Romney
Boozman	Inhofe	Rounds
Braun	Johnson	Rubio
Capito	Lankford	Sasse
Cornyn	Lee	Scott (FL)
Cotton	Lummis	Scott (SC)
Crapo	Marshall	Thune
Cruz	McConnell	Tillis
Daines	Moran	Toomey
Ernst	Paul	Tuberville
Fischer	Portman	Young

NOT VOTING—3

Duckworth	Feinstein	Shaheen
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY CENTERS FOR DISEASE CONTROL AND PREVENTION RELATING TO "REQUIREMENT FOR PERSONS TO WEAR MASKS WHILE ON CONVEYANCES AND AT TRANSPORTATION HUBS"

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume legislative session and proceed to the consideration of S.J. Res. 37, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 37) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Disease Control and Prevention relating to "Requirement for Persons To Wear Masks While on Conveyances and at Transportation Hubs".

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Mr. President, I rise in opposition to S.J. Res. 37, which we are now considering and which we will vote on at 5:30.

This is a resolution that would use the CRA process to undo the CDC guidance requiring use of masks on transportation: planes, buses, trains, and some transportation hubs.

I think this is an issue that should be discussed, and, possibly, to use a medical metaphor, a scalpel should be used to make it just right. Unfortunately, the CRA process is a meat cleaver, and this is not the kind of thing we should be using a meat cleaver against.

If S.J. Res. 37 passes, it could lead us to be extremely vulnerable if there were a resurgence in coronavirus cases, as we are seeing in other nations like Germany.

Let me explain. The CDC imposed a mandate to wear masks on transportation in February of 2021—again, planes, buses, trains, and train and bus stations, as well as airports.

We all know that the CDC has recently examined the caseload of COVID-19 in the country and dropped their mask recommendations for most of the Nation. About 98 percent of the American population now live in communities where there is no mask recommendation, thank goodness—not even indoors. That is great.

But in some parts of the country, some parts of my Commonwealth, infection rates are still so high that the mask recommendation for wearing indoors is still one that the CDC strongly recommends.

The CDC mandate, with respect to masks on transportation, was set to expire on March 18, Friday. On Friday, March 18, it was set to expire. After the CDC dropped the recommendation about wearing masks indoors, the CDC decided to extend the mask requirement on transportation for 1 month, from March 18 to April 18.

Why did they do that when they were dropping the mask recommendation indoors for much of the country? Well, the reason was pretty obvious, and they explained it.

Here is the problem with transportation: You might board a bus, plane, or train in an area with low infection but pass through areas of high infection and end up in an area of high infection. So transportation is a little bit different than what should the rules be in an indoor venue in my hometown of Richmond or in communities in Connecticut, where the Presiding Officer lives.

So what the CDC said is, we are going to take an additional month, and we are going to analyze the science around closed spaces—transportation venues—and we are going to look at this issue of traveling from one community to another, and then we will come up with a best recommendation and best guidance with respect to mask mandates in transportation. That sounds very reasonable to me, very reasonable to extend the mask requirement by 1 month.

I would argue to my colleague Senator PAUL—this is his resolution—we should be weighing in with the CDC and giving them best guidance—and, obviously, they are considering what science is recommending; they are in dialogue with the transportation industry that has strong feelings about that—and then seeing what guidance the CDC comes up with in April before the April 18 deadline, to which they have extended.

That would be reasonable, but what this resolution does is not reasonable. It not only wipes out the mask requirement; it wipes it out forever. It states that the CDC no longer will have the authority to impose a mask requirement in transportation unless or until this body passes new legislation allowing them to do so.

That legislation in the Senate would require 60 votes. I would venture to argue that there is no way, in the politicization of COVID, that a piece of legislation giving the CDC the power to do mask mandates in transportation would get 60 votes in this Chamber.

So if S.J. Res. 37 passes, we will have taken away from our premier health authorization the ability to impose a mask mandate if it is necessary.

Now, I pray that it is not necessary. I am happy to see the reduction in COVID caseloads in Virginia and across much of the Nation. But there are parts of Virginia where the caseloads are still high and where masks are still recommended. And there are parts of every one of our States or Commonwealths where the infection rates are still high, and masks are still recommended.

So it is fine to wish that COVID is going away. I mean, Lord, do we all wish that it is going away, but we know that in some parts of the country it isn't. And we also know, if we are looking at the data internationally, that China is experiencing a significant upsurge; Germany is experiencing a significant upsurge.

So what if—what if—we face a new COVID variant that starts to wreak havoc on us, just as Delta did when we thought we were in a decline, just like Omicron did when we thought we were in a decline? What if there is a new variant that comes and starts to wreak havoc more broadly across the country? Wouldn't we want the CDC to have the power immediately, upon an upsurge of COVID nationally, to impose a mask requirement on transportation? If S.J. Res. 37 passes, they will not have the ability to do that.